UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/32
7 February 1992

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 11

RIGHTS OF THE CHILD

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 February 1992]

Situation of children in Guatemala

FIDH is greatly concerned at the serious violations of all rights of the child in Guatemala. We refer specifically to a number of cases involving both economic and social rights and the right to life, which occurred in particular, in the last few months of 1991. The relevant information was provided to us by the Guatemala Human Rights Commission, a member of our Federation.

In May 1990, the Congress of the Republic of Guatemala ratified the Convention on the Rights of the Child, which represents an undertaking on the part of the Guatemalan Government to the international community to watch over the more than 45 per cent of the population consisting of children.

The Constitution of the Republic of Guatemala itself contains provisions concerning the protection and safeguarding of the rights of the child. However, specifically with regard to education, article 74 of the Constitution provides that "Inhabitants have the right and obligation to receive initial pre-primary, primary and basic education within the age-limits established by the law. No charge shall be made for education provided by the State". This

provision is inadequate in that it does not state clearly the obligation of the State to provide free primary education to all children, as laid down in article 28 of the Convention on the Rights of the Child.

The actual situation in Guatemala is very far removed from the principles set forth in the above-mentioned international instruments and, contrary to the provisions of the Constitution, children, particularly indigenous children, are deprived of their rights and of access to the minimum conditions for progressive and necessary physical and mental development.

In Part I of the Convention (art. 2), it is stated that "1. States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status", and that "2. States parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members".

SOCIO-ECONOMIC INDICATORS

Demographic data: In 1991, the population was estimated to be 9.2 million, 4.2 million of them (45 per cent) being below the age of 15, and 56.4 per cent below the age of 20.

Health: The conditions in which Guatemalan children are brought into the world are inadequate right from the prenatal care stage and during delivery; only 27.1 per cent of mothers receive prenatal care; 60 per cent of deliveries are performed by traditional birth attendants; in rural areas, 30 per cent of pregnancies receive no attention. Only 14 per cent of mothers receive tetanus vaccinations, which is a very low figure considering that neonatal tetanus is a common cause of death in Guatemala.

Infant mortality: WHO puts the death rate of children below one year of age at 84.1 per thousand for 1990; for children of less than five years of age, the mortality rate varies between 105 and 128 per thousand; the main causes are diarrhoea, acute respiratory infections and many diseases which could be prevented by vaccination.

Education: On 8 Janaury 1992, State school teachers in various education centres revealed that some 25,000 children could go without schooling this year if the education authorities failed to solve budgetary problems.

The same sources stated that, failing financial support from the Ministry of Education, 10,000 urban school children and 15,000 rural school children will be unable to attend school.

This situation raises fears that the problems in this area will get worse, since a major portion of the population at large is less than 15 years old and their standard of education very low. According to the National Statistical Institute, only 9.4 per cent of the population go on to secondary school and 1.6 per cent enter university.

Child victims of repression

It has been reported that, on 18 October 1991, in the village of Volcancillo, municipality of Cubulco, department of Alta Verapaz, a massacre took place in which nine persons were killed. According to one of the survivors, Julio César Herández and Humberto Alvávez, members of Military Intelligence, together with 23 other men, hacked 9 persons to death with machetes, among them Ana (4 years old), José (9 years old), Emilio (5 years old), Feliciana (2 years old).

On 10 November 1991, 14 year-old Heidy Yesenia Ruiz Lal was taken forcibly from her home in the Ojo de Agua estate, municipality of Flores Costa Cuca, department of Quetzaltenango, by persons unknown. Her body was later discovered in a nearby coffee plantation; she had been raped and one arm had been broken in several places.

On 14 November 1991, 8 year-old Henry Lopéz Ramos and 9 year-old Marlon Audelio Duarte were hacked to death with machetes by José Alcides Javier, Emilio Duarte Morales and Asudias Aquilar, who some days earlier had killed Mr. Adrián Olivero Morales. The children had witnessed the execution.

Street children

These are children, some of them orphans, but all of them either products of widespread repression and violence, or children abandoned because of poverty, who have been harassed, threatened, attacked, beaten, tortured and executed extrajudicially by members of the police, either in uniform or in plain clothes.

It is estimated that, as a result of the political violence of recent years, some 25,000 children live completely orphaned and abandoned in Guatemala City, roaming the streets or garbage dumps in search of scraps of food. In the hinterland, there are some 75,000 more in the same situation.

On 14 November 1991, 16 year-old José Efrain Solis Vásquez and six other street children were beaten by a group of armed men who broke into the Casa Alianza during the night. He had to be admitted to San Juan de Dios hospital in Guatemala City.

The case of these street children had a dramatic impact in international circles. On 9 December 1991, the British Parliament found that a lack of concern had been shown regarding killings of street children in Guatemala and appealed to President Serrano and the Guatemalan Government to deal with the problem as a matter of urgency and, in particular, to support the work of services providing education and support to such children.

This prompted the Government of Guatemala to set up new mechanisms in an attempt to introduce new ways of ensuring impunity. It should be noted that, even although four police officers were sentenced to 12 and 13 years' imprisonment on 20 March 1991 for the murder of 13-year-old Nahamán Cardoma in 1990, that was only one case. It is obvious that this type of measure is designed merely to silence the international outcry provoked by the attacks on street children, since acts of violence against them are still frequent.

Reports exist which provide specific information that would facilitate the investigation of other cases and of the existence of secret prisons where children are arbitrarily detained and tortured. Nevertheless, no attempt is being made to get to the root of the problem.

The socio-economic indicators are illustrative of the gulf which exists between the privileged and the deprived, the origin of which is closely linked to the combination of the socio-economic situation and unresolved ethnic and cultural problems. This creates a vicious circle which deprives most of the child population of the benefits of general development and restricts their individual development, and thus their enjoyment of their rights.

For the above reasons, FIDH requests the members of the Commission to set up appropriate machinery for the implementation of policies which will put an end to this situation.

UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/33
20 February 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Alliance of Women, the International Social Security Association, the World Federation of Trade Unions, the International Movement ATD Fourth World, Soroptimist International, the International Union of Family Organizations, Zonta International, non-governmental organizations in consultative status (Category I); the International Catholic Child Bureau, Caritas Internationalis, the International Council of Jewish Women, the International Abolitionist Federation, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Federation Terre des Hommes, the World Federation of Methodist Women, the International Fellowship of Reconciliation, the International Movement for Fraternal Union among Races and Peoples, the World Movement of Mothers, Pax Christi International, the Associated Country Women of the World, the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (Category II); the Centre Europe-Tiers Monde, the Movement against Racism and for Friendship among Peoples, the International Movement for the Apostolate of Children, non-governmental organizations on the the Roster; together with the International Association of Workers for Troubled Children and Youth, the Arab Institute for Human Rights, the Tunisian League for Human Rights, the Popular Movement of Families and the University of Keele

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

GE.92-10921/3232H

[30 January 1992]

"When a society lives in a time of great uncertainty, the insecurity of the poorest can no longer be gauged; it will no longer endure procrastination. The poorest demand that we place ourselves in a state of emergency to combat poverty" (Father Joseph Wresinski).

Joint declaration by the non-governmental organizations at the meeting of the NGO Fourth World Committee to the United Nations, held at the Palais des Nations, Geneva, on 30 January 1992, in solidarity with the children and families of population groups living in extreme poverty in the North, the South, the East and the West

1. What happens to extremely poor population groups under the present international conditions?

The support being given to young democracies, the promotion of a new international political order and the closer relations with the East give hope to the defenders of human rights. However, in various parts of the world, economic and social crises, the violence caused by upheavals, and the dearth and suspension of aid, even to the extent of an embargo, are plunging the most deprived population groups into extreme poverty. Everywhere, persons and non-governmental organizations working with these groups are witnesses to the fact that the most vulnerable and most disadvantaged are suffering most severely from the immediate adverse consequences of crises and changes, even if the changes bring hopes with them.

2. New disparities are being created and the poorest are being increasingly abandoned

When the state of poverty is too great and aid is insufficient, the feeling of solidarity with the poorest becomes muted. The bitter struggle for survival divides peoples. The strongest protect themselves and the poor are left to fend for themselves. The poorest of all, in spite of their constant efforts to support their families, are regarded as a public burden. As has already frequently happened throughout the course of history, they feel abandoned, misunderstood and despised. The months and even years of extreme poverty that these children, young persons, women and men are experiencing will leave deep psychological scars.

3. Will the poorest be accorded priority in future reconstruction and development projects?

The urgent question facing the international community concerns the future status of these population groups, which will have paid the highest price for the changes, when development and reconstruction resume. Who will be capable of understanding these children and their families stigmatized by years of total denial of their human rights? The history of the industrialized countries teaches us that those who were excluded in times of tribulation are likely to remain excluded during the economic up-turn, due to the excessive disparities that the difficult times create among the various population groups. However, this is not a foregone conclusion. The international

community can achieve a better understanding of the means to be employed to ensure that the poorest become partners and protagonists in the changes, thereby guaranteeing real progress in the field of human rights.

4. Reach out to the poorest and allow them to catch up

To this end, the Commission on Human Rights has undertaken a new fact-finding study on "Human rights and extreme poverty", which it defines in its resolutions 1989/10, 1990/15 and 1991/14. This study, which Father Joseph Wresinski first advocated in 1987 on behalf of the poorest and with the support of the NGO Fourth World Committee, should enlighten the international community concerning the effects of extreme poverty on the exercise of all human rights. To achieve this aim, the study will draw on the experience and ideas of the poorest themselves and of the persons who have steadfastly championed their cause. It therefore constitutes a first step towards the realization of the human rights of the poorest: to know that one is consulted and heard signifies that others are aware of one's existence and will wait so that we can build our common future together.

In all the continents, non-governmental organizations are struggling to prevent the abandonment and alleviate the sufferings of the extremely poor population groups and are constantly supporting their efforts to realize their human rights in an effective manner. The non-governmental organizations therefore urgently appeal to the international community to give priority attention in all its projects, in times of tribulation as well as respite, to the most deprived population groups and to take into consideration the insights that they can provide into the reasons for extreme poverty in all countries.

The non-governmental organizations listed above issue the following appeal:

Considering the gravity of the situation of the children and families of extremely poor population groups in various parts of the world who are suffering most severely from the consequences of crises and shortages,

Convinced of the need for urgent measures to combat destitution,

The non-governmental organizations,

1. Undertake to concert their efforts to that end, to remain attentive to the situation of the poorest throughout the world and, in particular, to support all those who share their efforts and their hopes in daily life;

2. Undertake also to continue to transmit to the United Nations their testimony concerning their everyday experience of extreme poverty and its impact on the exercise of all human rights, through the working group which the NGO Fourth World Committee has established for this purpose;

3. Call upon the international community as a whole, at the international and at the grass-roots level:

(a) To endeavour constantly to ensure that the urgent measures benefit the poorest as a priority target group;

(b) To ensure that development and reconstruction programmes are formulated, from their very inception, with the participation of the poorest and the persons championing their cause;

4. Further call upon the Commission on Human Rights:

(a) To bear in mind the fact that the study on "Human rights and extreme poverty", requested in its resolutions 1990/15 and 1991/14, constitutes a new fact-finding measure, drawing on the experience and ideas of the poorest themselves and of the persons championing their cause, failing which the policies and programmes formulated for their benefit are liable to remain ineffective, and that it will also provide a better understanding of the indivisible nature of fundamental human rights, thereby facilitating their universal enjoyment as the only means to combat extreme poverty effectively;

(b) To request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to accord the highest priority in its work to the question of human rights and extreme poverty and to take the measures needed for the successful completion of that study;

5. Finally call upon the Preparatory Committee of the World Conference on Human Rights, which is to be held in Berlin in 1993:

(a) To include the question of extreme poverty on the provisional agenda of the World Conference;

(b) To take into account the actual situation, the experience and the ideas of the poorest families and population groups in order to assess progress in the field of human rights and achieve a better perception of their indivisibility and interdependence.